

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

THOMAS M. WILSON, SR., et al.,

Plaintiffs,

v.

Case No. 2:16-cv-05279

**MRO CORPORATION,
a Pennsylvania corporation, et al.,**

Defendants.

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

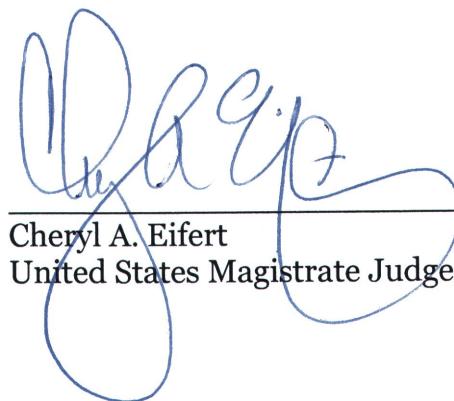
Pending before the Court is Plaintiffs' Motion to File Reply in Response to Defendant CIOX Health, LLC's, Opposition to Plaintiffs' Motion to Compel Discovery, Including Exhibits, Under Seal. (ECF No. 117). Plaintiffs assert that they must incorporate in and attach to their reply memorandum information that has been designated as confidential. They request that their reply memorandum and attachments be sealed due to the nature of the information contained therein. Given Plaintiffs' representations and the fact that the memorandum involves a discovery dispute, rather than a dispositive issue, this Court **GRANTS** the Motion and **ORDERS** that Plaintiffs' Reply, including any exhibits attached thereto, to defendant CIOX Health, LLC's Response to Plaintiffs' Motion to Compel Discovery, be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a

document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Plaintiffs' Reply, along with the attached exhibits, shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the alleged confidential nature of the information, and the fact that the information is interspersed throughout the memorandum and attachments, no such alternatives are feasible at this time. Moreover, the public's right to the information is minimal at this point given that the documents are part of a discovery motion, and not a dispositive motion. Accordingly, the Court finds that sealing the Plaintiffs' Reply to Ciox Health, LLC's Response to Plaintiffs' Motion to Compel Discovery Against Defendant Ciox Health, LLC, does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to all counsel of record and to any unrepresented party.

ENTERED: January 31, 2017



Cheryl A. Eifert
United States Magistrate Judge